

REMARKS

Claims 30-37 as currently pending and as presented in the Preliminary Amendment filed on May 7, 2004 are presented for the purpose of provoking an interference with unexpired U.S. Patent No. 6,576,608 to Lee *et al.* (hereinafter "the Lee '608 patent"), which issued on June 10, 2003. Pursuant to 37 C.F.R. §§ 1.606 and 1.607(c), Applicants submit that claims 30-37 correspond exactly or substantially to claims 1 to 4 of the Lee '608 patent. Without conceding that the claims of the Lee '608 patent are entitled to the earliest priority date of the Lee '608 patent, Applicants note that the earliest priority claim of the Lee '608 patent is to U.S. Provisional Application No. 60/313,299, which was filed on September 8, 1995, which is later than the earliest priority dates (March 8, 1994 and June 6, 1995), to which claims 30-37 are entitled. Support for claims 30-37 in the instant application and the priority application is delineated in the Preliminary Amendment that was filed on May 7, 2004.

New claims 38 to 64 are presented for the purpose of provoking an interference with unexpired U.S. Patent No. 6,645,933 to Alitalo *et al.* (hereinafter "the Alitalo '933 patent"), which issued on November 11, 2003. Pursuant to 37 C.F.R. §§ 1.606 and 1.607(c), Applicants submit that new claims 38 to 64 correspond exactly or substantially to claims 1 to 38 and 42-46 of the Alitalo '933 patent. Without conceding that the claims of the Lee '608 patent are entitled to the earliest priority date of the Lee '608 patent, Applicants note that the earliest priority claim of the Alitalo '933 patent is to U.S. Patent Application No. 08/510,133, which was filed on August 1, 1995, which is later than the earliest priority dates (March 8, 1994 and June 6, 1995) to which claims 38 to 64 are entitled. Support for claims 38 to 64 in the instant application and in the priority applications is provided below.

Claims 38 to 64 are supported by the instant specification and the disclosure of Priority Application Serial Nos. 08/465,968, filed June 6, 1995 (the '968 application) and 08/207,550, filed March 8, 1994 (the '550 application), and do not add new matter. Specifically, support for SEQ ID NO:2 or 4 or ATCC Deposit No. 97149 or 75698 can be found in the instant specification, for example, at page 7., lines 17-32 and Figures 1 and 2, and also in the '550 application, for example, at page 5 and Figure 1 and in the '968 application, for example at page 7 and Figure 1; support for the term "mature" can be found in the instant specification, for example, at page 10, lines 14-22 and Examples 3 and

4 and also in the '550 application, for example, at page 7 and in the '968 application, for example, at pages 7, 9, 12 and 13 and in Examples 2 and 3; support for binding to a receptor tyrosine kinase can be found in the specification of the instant application, for example, at page 2, lines 5-7 and page 94, lines 28-32 and also in the '550 application, for example at page 24 and in the '968 application, for example at page 2; support for the eight conserved cysteines can be found in the instant specification, for example, at page 8, lines 23-26 and Figure 3, and also in the '550 application, for example, at page 5 and Figure 2, and in the '968 application, for example, at page 8 and Figure 2; support for the detectable label can be found in the instant specification, for example, at page 56, lines 25-27 and also in the '968 application at page 22-24 and 32; support for a pharmaceutically acceptable carrier can be found in the instant specification, for example, at page 79, lines 30 through page 80, line 2, and also in the '550 application, for example, at page 19 and in the '968 application, for example at page 26; support for the hybridizing language can be found in the instant specification, for example, at page 27, line 33 through page 28, line 4 and also in the '550 application, for example, at pages 6 and 8 and in the '968 application, for example at page 11; the molecular weight limitations are inherent in the proteolytically processing of the molecule and are supported by the instant application, for example, in Examples 3 and 4 and also, for example, Examples 2 and 3 of the '968 application; support for claims reciting a purified protein comprising a first polypeptide linked to a second polypeptide can be found in the instant specification, for example, at page 2, lines 5-7, page 39, line 6 through page 40, line 23, page 58 line 11-page 60, line 20, and page 94, lines 30-32, and also in the '550 application, for example, at pages 7, 9, 23 and 24 and in the '968 application at pages 2, 10, 12 and 24; support for the polyhistidine tag can be found, for example, in the instant specification at page 10, lines 23-29 and also in the '550 application, for example, at page 8 and the '968 application, for example, at page 10, support for expressing and purifying the polypeptide can be found in the instant specification, for example, at page 3, lines 28-33 and page 48, line 29 through page 55, line 31, and also in the '550 application, for example, at page 10-16 and in the '968 application, for example, at pages 14-20; support for the method of modulating the activity language can be found in the instant specification, for example, at page 3, line 34 through page 4, line 4, page 4, lines 8-12 and page 60, line 22 through page 63, line 17, and also in the '550 application, for example, at pages 16-17 and 23-25 and in the '968 application, for

example, at pages 20-21 and 24-25; support for the method of modulating the growth of mammalian endothelial cells can be found in the instant specification, for example, at page 60, lines 23-26 and also in the '550 application, for example, at page 4 and in the '968 application, for example, at page 20; the method of detecting endothelial cells expressing the tyrosine kinase receptor can be found in the instant specification, for example, at page 77, lines 12-19 and also in the '550 application, for example, at page 4 and in the '968 application, for example, at pages 22-23. Thus, no new matter is added by the amendments to the claims.

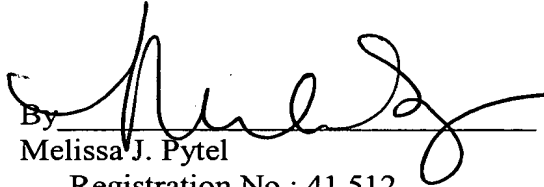
CONCLUSION

Applicants believe that this application is in condition for allowance, and an early notice to that effect is earnestly solicited. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the appropriate fee should also be charged to our Deposit Account.

Dated: June 4, 2004

Respectfully submitted,

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